

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNATHAN CONRAD FULLER,

Plaintiff,

No. CIV S-04-1276 FCD EFB P

vs.

CALIFORNIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

ORDER

Plaintiff is a prisoner without counsel seeking relief for alleged civil rights violations. *See* 42 U.S.C. § 1983. On June 4, 2007, the court denied plaintiff's request to continue summary judgment proceedings. *See* Fed. R. Civ. P. 65(f). On June 27, 2007¹, plaintiff filed a request that the court amend that order. The court construes plaintiff's request as one for reconsideration. For the following reasons, the request is denied.

The ruling of a magistrate judge is final if no reconsideration is sought within ten (10) court days calculated from the date of service of the ruling on the parties. Local Rule 72-303(b).

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¹ The court deems this document filed the date plaintiff served it. *See Houston v. Lack*, 487 U.S. 266, 270 (1988) (notice of appeal by *pro se* litigant deemed filed when the prisoner delivers it to prison authorities for delivery to the court).

1 The court served its ruling on June 4, 2007. Including the three additional days required since
2 the court served the order by mail, *see* Fed. R. Civ. P. 6(a), plaintiff had until June 22, 2007, to
3 seek reconsideration. Plaintiff did not submit his motion to prison authorities until June 27,
4 2007. The court finds that plaintiff filed his motion for reconsideration after the June 4, 2007,
5 order became final.

6 Accordingly, it is ORDERED that plaintiff's request for reconsideration is denied. The
7 Clerk of the Court is directed to terminate number 58 on the docket.

8 Dated: July 11, 2007.

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11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
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